UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/C.5/51/16
24 October 1996
ENGLISH
ORIGINAL: ENGLISH/SPANISH

Fifty-first session
FIFTH COMMITTEE
Agenda item 18 (e)

APPOINTMENTS TO FILL VACANCIES IN SUBSIDIARY ORGANS AND OTHER APPOINTMENTS: APPOINTMENT OF MEMBERS OF THE UNITED NATIONS ADMINISTRATIVE TRIBUNAL

Note by the Secretary-General

1. As indicated in document A/51/105 of 7 March 1996, it will be necessary for the General Assembly, during its current session, to appoint two persons to fill vacancies that will arise in the membership of the United Nations Administrative Tribunal, effective 31 December 1996.

2. The following persons have been nominated by their respective Governments for appointment or reappointment:

Mr. Julio Barboza (Argentina);

Mr. Mayer Gabay (Israel).

3. The candidates' curricula vitae follow.

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BARBOZA, Julio

[Original: Spanish]

Ambassador (retired), Argentine Foreign Service.

Member and former Chairman of the United Nations International Law Commission. Special Rapporteur on "International liability for injurious consequences arising out of acts not prohibited by international law".

Education

Graduate, Faculty of Law and Social Sciences, National University of Buenos Aires, 1950.

Graduate cum laude, Master of Laws in Comparative Law, Southern Methodist University, Dallas, Texas, United States of America.

Courses and seminars in the doctorate programme in public international law, Columbia University, New York, 1952/53.

Seminar on watercourses of international interest, The Hague Academy of International Law, 1961.

General and other courses, The Hague Academy of International Law, 1961.

Courses and seminars for counsellors, Argentine Foreign Service Institute, 1969.

Seminar on United Nations peacekeeping operations, organized by the International Peace Academy and the Diplomatic Academy, Lima, 1978.

Academic career

At present professor of public international law, Catholic Universities of Buenos Aires (post-graduate courses) and Belgrano.

Former professor of public international law (associate professor, later, non-tenured professor), Faculty of Law and Social Sciences, University of Buenos Aires, and at University of El Salvador, Catholic University of Córdoba, University of Morón and Argentine Foreign Service Institute.

Former professor of international relations and international organizations, Argentine Foreign Service Institute.

Abroad

Appointed assistant professor of comparative law (letter dated 3 May 1954), Parker School of Comparative Law, Columbia University, New York.

Visiting professor of civil law, School of Law, Graduate Department, Southern Methodist University, Dallas, Texas, fall semester, 1959/60.

Visiting professor, Interamerican Institute of International Law, Organization of American States. Subject: "New aspects of international responsibility". August 1987.

Professor, The Hague Academy of International Law. Course on "International liability for the injurious consequences of acts not prohibited by international law and protection of the environment". 1994 academic year.

Lectures on international law and international relations

At Buenos Aires, Rosario, Córdoba and Santa Fe, Argentina.

Abroad

Institute for Advanced International Studies, Geneva, to the public, and also in the seminars of Professors Philippe Cahier and Georges Abbi-Saab.

At the Bar Association of the City of New York, and at Columbia University.

At the Institutes of State and Law, Warsaw, Poland (1979-1984), and Prague (1987-1991), and at several sessions of the Seminar on International Law of the International Law Commission, Geneva.

Scientific meetings and contributions

Second national meeting on air and space law, Córdoba, Argentina, May 1968. Presented paper on "Legal status of the cosmonaut".

Third national meeting on air and space law, Buenos Aires, May 1969. Presented paper on "Legal aspects of the satellite telecommunications regime".

Rapporteur, first national meeting of professors and researchers in international law, Rosario, Argentina, November 1968. Presented paper on "Teaching of international law through cases".

Congress of the Hispano-luso-americano Institute for International Law, Buenos Aires, August 1969.

Second national meeting of professors and researchers in international law, Córdoba, August 1969.

Fourth national meeting on air and space law, Morón, 1970. Rapporteur.

Meeting of experts, organized by the United Nations Institute for Training and Research (UNITAR) and the Department of Water Resources of the Argentine Government, on certain aspects of international watercourses. Represented Ministry of Foreign Affairs, Buenos Aires, 1970.

Meeting of the Ibero-American Institute of Air and Space Law, Seville, September 1973.

Seminar on United Nations peacekeeping forces, Peruvian Foreign Service Academy, in collaboration with the Peace Academy, Lima, 1978.

At the invitation of the Canadian Government, February 1988; Chairman of Committee No. 2, meeting of legal and policy experts, Ottawa, February 1988, to prepare a draft convention on protection of the atmosphere.

Meeting of the ad hoc group of the International Atomic Energy Agency (IAEA) on modification of the Vienna and Paris Conventions on liability for nuclear damage, Vienna, 1989, invited as observer in capacity as International Law Commission Special Rapporteur on the subject of international liability for acts not prohibited.

Chairman, meeting of the consultative preparatory committee for preparation of draft elements for a protocol on liability to the Basel Convention on hazardous wastes, Geneva, April-May 1990.

Chairman, meeting of the ad hoc working group of legal and technical experts pursuant to resolution 3 of the Basel Conference on hazardous wastes, Geneva, June 1990.

Valletta, December 1990, invited by the Government of Malta and the United Nations Environment Programme (UNEP); meeting of the group of legal experts to examine the implications of the Common Concern of Mankind concept on global environmental issues.

Nairobi, January 1991, meeting of the group of legal experts to review elements of a draft convention on biological diversity.

Meeting convened by UNEP to review the Montevideo Programme. Geneva, May 1991.

Meeting convened by the International Union for the Conservation of Nature and Natural Resources (IUCN) Environmental Law Commission and the International Council of Environmental Law (ICEL), Bonn, September 1992. Preparation of a protocol on principles of international law for environmental protection.

Meeting of legal experts to review the current status of international environmental law in Latin America and the Caribbean. Mexico City, February 1993.

Second meeting of the same group, Geneva, September 1995.

IUCN General Assembly, Buenos Aires, January 1994. Chaired workshop on the Protocol of Principles of Environmental Protection prepared by ICEL and the IUCN Environmental Law Commission.

International Law Association meeting in Buenos Aires. Speaker at workshop on the development of international environmental law following the Rio Conference on Environment and Development.

Meeting in Doha, invited by the State of Qatar and the Afro-Asian Legal Consultative Committee, April 1994. Chaired a committee on liability for damage caused by the transboundary movement of hazardous wastes. Presented a paper, to be published internationally in a set of articles by Kluwer Academic Publishers, under the title "Draft principles relating to liability and compensation for damage arising from the transboundary movement of hazardous wastes".

University of Belgrano, Buenos Aires, August 1994: participated in a panel on international politics and the national interest, on the subject of "Arbitration and the national interest".

First meeting of the expert working group on liability for environmental damage caused by military activities convened by UNEP and the Foundation for International Environmental Law and Development (field), London. February 1995.

Second meeting of the same group, Geneva, September 1995.

In Turku, Finland, invited by the Abo Akademi University in June 1995 to attend a seminar on liability for environmental damage. Presented a paper to be published internationally with other articles by participants in the seminar under the title "Environmental Damage" by a publisher chosen by the University.

Publications

"La ensenanza en las escuelas de derecho de los Estados Unidos" (Legal education in law schools of the United States), La Ley, Buenos Aires, September 1954.

"Norma y realidad en los delitos de omisión" (Legal norm and reality in crimes by omission), Del pensamiento jurídico argentino actual (Today's Argentine Legal Thinking), Editorial Arayu, Buenos Aires, 1952.

"Objeto y facultad calificadora en el asilo diplomático" (Diplomatic asylum: its object and the power to qualify the offence), Jurisprudencia Argentina, 1959, and Revista Peruana de Jurisprudencia, 1960.

"Individuo, comunidad y derecho internacional" (The individual, the community and international law), Jurisprudencia Argentina, 16 February 1967.

"The Beagle Channel Affair", American Journal of International Law, vol. 71, No. 4, October 1977, under the pen name "F.V.".

"Necessity (revisited) in international law", Essays in International Law in Honour of Judge Manfred Lachs, Martinus Nijhoff, The Hague, 1984.

"El derecho de los cursos de agua internacionales en la Comision de Derecho Internacional de las Naciones Unidas" (The law of international watercourses in the International Law Commission), Revista argentina de derecho militar, Buenos Aires, April 1984.

"The international personality of the individual", Studi in onore di Giuseppe/Sperduti, Giuffre Publishers, Rome, 1984.

"La necesidad en el derecho internacional", Anuario de la Asociación Argentina de Derecho Internacional, 1984.

"El principio bioceánico Sobre el arbitraje del Beagle" (The bi-oceanic principle in the Beagle Channel arbitration), Revista del Centro de Investigación y Acción Social, Buenos Aires, March 1985.

"Las cláusulas de las islas", Revista del Centro de Investigación y Acción Social, Buenos Aires, November 1985.

"Responsabilidad internacional de los Estados por hechos ilicitos" (State responsibility for wrongful acts", Revista del Colegio de Abogados de Buenos Aires, 1986.

"La Comision de Derecho Internacional de las Naciones Unidas" (The United Nations International Law Commission), Anuario de la Asociación Argentina de Derecho Internacional, 1988.

"La responsabilité 'causale' à la Commission de Droit International" ("Strict liability" in the International Law Commission), Annuaire Français de Droit International, Paris, 1989.

"La responsabilidad internacional en la Convención para la reglamentación de las actividades sobre recursos minerales antárticos" (International responsibility in the Convention on Activities for Antarctic Mineral Resources), CARI (Consejo Argentino para las Relaciones Internacionales), 1990.

"Responsabilidad internacional por actos no prohibidos" (International liability for acts not prohibited), Revista del Colegio de Abogados de Buenos Aires, August 1990.

"La convención de protección de la diversidad biológica de las Naciones Unidas" (The United Nations Convention on Biological Diversity, Evolución reciente del derecho ambiental internacional, Editorial A-Z, Buenos Aires, 1993.

"La responsibilidad en el Protocolo al Convenio de Basilea" (Responsibility in the Protocol to the Basel Convention), Revista de Política y derecho ambientales, Vol. 1, No. 2, 1994.

"La responsibilidad sine delicto en el derecho internacional" (Responsibility sine delicto in international law), Anuario del Instituto Hispano-Luso-Americano de Derecho Internacional, 1994.

Eleven articles on international liability for acts not prohibited by international law, published by the International Law Commission of the United Nations, 1985-1995.

Several articles on international relations, either under his own name or pseudonyms, in Buenos Aires magazines and newspapers. Currently writing a weekly column of international analysis in the Buenos Aires newspaper La Prensa.

Spanish translation of "Towards a realistic jurisprudence", by Professor Alf Ross, under the title "Hacia una ciencia del derecho realista", Buenos Aires, 1965.

Books

International Liability for the Injurious Consequences of Acts not Prohibited by International Law and Environmental Protection, Collected Courses of the Hague Academy of International Law, vol. 247.

Scientific institutions

Member of the International Law Association.

Member of the Instituto Hispano-Luso-Americano de Derecho Internacional.

Member of the Asociación Argentina de Derecho Internacional (Argentine Association of International Law).

Member of the Institut International de Droit de l'Espace.

Member of the Consejo Argentino para las Relaciones Internacionales (CARI) (Argentine Council for International Relations).

Member of the Instituto de Derecho Internacional y Marítimo of the Academia Nacional de Derecho y Ciencias Sociales (National Academy of Law and Social Sciences).

Member of the International Council of Environmental Law (ICEL), Bonn, Germany.

Member of the International Union for the Conservation of Nature (IUCN), Switzerland.

Member and former President of the Environment Commission of the Colegio de Abogados (Law College) of Buenos Aires.

International meetings (Argentine delegate)

Fifth Consultative Meeting of Ministers of Foreign Affairs, Santiago, Chile, 1959.

Diplomatica Conference on Maritime Law, Brussels, 1961.

Regional Consultative Meeting of Jurists convened by the World Bank, Santiago, Chile, 1963.

Eighth Regional Conference of the Food and Agriculture Organization of the United Nations, Viña del Mar, Chile, 1965.

United Nations Special Committee on principles of international law concerning friendly relations and cooperation among States, according to the Charter of the United Nations, Geneva, 1970.

Expert meeting organized by the United Nations Institute for Training and Research and the Secretaría de Recursos Hídricos (Department of Water Resources) on aspects of international watercourses. Representative of the Foreign Ministry, Buenos Aires, 1970.

United Nations Special Committee on peaceful use of the sea-bed and the ocean floor beyond the limits of national jurisdiction, Geneva, 1970.

Regular sessions of the General Assembly of the Organization of American States, Washington, D.C., 1970 and 1977, and Brasilia, 1984.

Seventeenth and thirty-second to thirty-seventh, thirty-ninth, forty-eighth and forty-ninth sessions of the United Nations General Assembly.

Tenth special session of the United Nations General Assembly devoted to disarmament, 1978.

Special Ministerial Conference of the Movement of Non-Aligned Countries, Belgrade, 1978, and special meetings of the Coordinating Bureau of the Movement of Non-Aligned Countries, Maputo, 1979, and New Delhi, 1988.

Third meeting of the special group of experts on biological diversity, Geneva, July 1990.

First, second and third meetings of the ad hoc working group of legal and technical experts on biological diversity, Nairobi, 1990, 1991 and 1992.

Positions held

In the Argentine Foreign Service worked in the legal and political fields. In particular, served as Legal Adviser to the Ministry of Foreign Affairs.

Director of the Bureau of International Organizations and member of the Foreign Minister's Cabinet. Acted for the Argentine Government in the Beagle Channel case.

In the past, a member of the Committee on Legal, Political and Social Sciences of the National Commission on Space Research, and of the Permanent Advisory Commission on the legal aspects of the use of nuclear energy of the National Atomic Energy Commission of Argentina.

Diplomatic service overseas in London, The Hague and Chile, and in particular as Ambassador to Poland and to Czechoslovakia.

Decorations

Orders of: El Sol, Peru; of Merit, Ecuador; Cruzeiro do Sul, Brazil, in the rank of Gran Cruz; Bernardo de O'Higgins, Chile, San Carlos, Colombia; Merit of South Korea, in the rank of Gran Oficial; Merit, Poland, in the rank of Commander.

Mayer GABAY

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(office): Hakiria, 3 Kaplan Street, P.O.B. 776, 91007 Jerusalem, Israel

Personal

Date and place of birth: 26 June 1933, Jerusalem.
Nationality: Israeli.
Marital status: Married, three children.

Education

Hebrew University of Jerusalem - Master of Laws with distinction (highest honours), 1958.

Columbia University, New York - Master of Comparative Law, 1961-1962 (international transactions, taxation, insurance, intellectual property law).

London School of Economics and Political Science, University of London, United Kingdom, 1962-1963. Research study on taxation of international financial transactions.

Major activities

Since 1994 - Member of the United Nations Administrative Tribunal.

1987-1993 - Civil Service Commissioner, Government of Israel (government appointment; responsible for administrative, legal and disciplinary aspects of all Government personnel and related agencies).

February 1976-April 1987 - Director General, Ministry of Justice, Israel (sub-ministerial level, highest civil service rank; responsible for all substantive departmental services within the Ministry; Legal Adviser to the Ministerial Committee on Economic Affairs).

July 1973-February 1976 - Deputy Attorney General, Ministry of Justice, Israel (responsible for government advisory services on matters of economic and commercial law, including international economic relations and treaties).

1969-1973 - Commissioner of Patents, Designs, Trade marks and Copyright, Government of Israel, Jerusalem (responsible for policy, administration, judicial decisions and international arrangements concerning industrial property and copyright).

1963-1969 - Chief, Investment Unit, Department of Economic and Social Affairs, United Nations, New York (responsibilities included advisory services and international operations concerning the promotion of investment and technology transfer to developing countries, transfer of technology arrangements, taxation, patents administration and legislation).

1958-1961 - Practice of law.

Advisory services

United Nations: Mission to Peru, 18-22 October 1971, to review with the relevant departments in the Ministry of Economy and Finance their proposed legal and administrative instruments relating to investments, including the need for a proposed centre for investment and technology.

United Nations: Mission to Bolivia, 20-23 October 1971, to provide comments, for the Minister of Commerce and Industry, on a contemplated new draft law on investment and acquisition of technology.

Advisory mission to Republic of Korea on investment and transfer of technology legislation (March, 1973).

Member of Expert Group on Export Credit Guarantee Facility (1975-1976).

Member of several international expert committees on taxation, foreign investment and intellectual property legislation (1975-1995).

University teaching

1958-1961 - Hebrew University of Jerusalem, business and contract law.

Since 1969 - Law schools of the Hebrew University of Jerusalem and University of Tel Aviv, international economic and trade law and intellectual property law.

International conferences

United Nations representative to the Stockholm Diplomatic Conference (1967) for the revision of the Bern and Paris conventions and the establishment of the World Intellectual Property Organization (WIPO).

Member of the United Nations Expert Committee on Transfer of Technology and Know-How to Developing Countries (1971).

Elected to the Universal Copyright Intergovernmental Committee (1971) and the Bern Convention Executive Committee (1973), and Deputy President of the Intergovernmental Committee (1977).

Head of Israel's delegation to the Diplomatic Conference on the Revision of the Universal Copyright Convention and the Bern Convention for the Protection of Literary and Artistic Works (Paris, July 1971).

Represented Israel in many other international conferences concerned with international economic relations and human rights.

Head of Israel's delegations to the fourth, fifth and sixth United Nations Conferences on Trade and Development (Nairobi, 1976; Manila, 1979; and Belgrade, 1983).

Other activities — Chairman of the Israel Auditors' Council (1976-1987). Member of the Council of the Israel Bar Association (1976-1990). President of the United Nations Association in Israel (since 1980). Chairman of the International Council, The International Association of Jewish Lawyers and Jurists (since 1989). President of the Israeli Section, The International Association of Jurists (since 1991). Member of the Israel team negotiating the autonomy proposal under the Camp David accords (1979-1982). Member of the World Bank pool of arbitrators under the International Centre for Settlement of Investment Disputes (since 1983). Member of Supreme Court Justice Aharon Barak Committee for the Preparation of a new Israeli Corporations Law (since 1986). Chairman of the Patent and Copyright Laws revision committees (since 1987).

Publications — Published and jointly responsible for a series of publications in the field of foreign investment, international taxation, intellectual property law, as well as an article on "Legal aspects of the Camp David framework for peace in relation to the autonomy proposal" (The Concept of Autonomy, ed. by Prof. Dinstein, 1982).

Languages — Hebrew, English and Spanish - very good knowledge. Arabic and French - fair.